

1 STATE OF ALASKA  
2 DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT  
3 DIVISION OF CORPORATIONS, BUSINESS, AND PROFESSIONAL LICENSING  
4

5 STATE MEDICAL BOARD  
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7 MINUTES OF MEETING  
8 Thursday, December 9, 2021  
9

10 *These are DRAFT minutes prepared by staff of the Division of Corporations, Business and Professional*  
11 *Licensing. They have not been reviewed or approved by the Board.*  
12

13 By authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, a special meeting of  
14 the Alaska State Medical Board was held Thursday, December 9, 2021  
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16 **1. Call to Order/ Roll Call**

17 The meeting was called to Order by Chair Wein at 5:11 p.m.  
18

19 **Roll Call**

20 Board members present:

21 Sarah Bigelow Hood, PA-C  
22 Maria Freeman, MD  
23 Matthew Heilala, DPM  
24 Lydia Mielke, Public Member  
25 Sola Olamikan, MD  
26 Steve Parker, MD  
27 Richard Wein, MD (Chair)  
28

29 Board staff present: Natalie Norberg, Executive Administrator  
30

31 **2. Introduction of New Board Members\***  
32

33 Dr. Sola Olamikan introduced himself as one of the newest board members, he is a chronic pain  
34 management specialist and board certified anesthesiologist and holds a separate certification in pediatric  
35 anesthesiology and is looking forward to getting immersed in the work of the board.  
36

37 \*Dr. Heilala introduced himself before the meeting was called to order. He is a lifelong Alaskan, born in  
38 Anchorage, raised on the Kenai peninsula. He is a foot and ankle surgeon and the owner of the Alaska  
39 foot and ankle specialists in Anchorage and Wasilla. Dr. Heilala is the first podiatrist to serve on the  
40 board and is eager to becoming a productive member of the team.

41 **3. Review / Approval of Agenda**  
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43 **On a motion duly made by Ms. Mielke and seconded by Ms. Bigelow-Hood, the Board**  
44 **approved by roll call vote to accept meeting agenda as drafted.**

Roll Call: Yeas, Ms. Bigelow Hood, Dr. Freeman, Dr. Heilala, Ms. Mielke, Dr. Olamikan, Dr. Parker and Dr. Wein

#### **4. Introduction of Special Topic: Concerning the Call for a Board Statement on COVID-19 Treatment and Misinformation**

Chair Wein provided the introduction. Prior to the November 19, 2021 Quarterly Board Meeting there was a flurry of public interest in the Medical Board related to how the board is going to deal with the concept of "COVID Misinformation," and the sanctioning of practitioners who potentially promote the concept of COVID Misinformation. The Board received approximately 1600 emails and 90 registrants to provide public testimony in response to this matter. The board doubled its usual amount of time for persons to be heard during the November 19 quarterly meeting and received verbal testimony from approximately 30 individuals. Upon review of all of the written and verbal comments, a pattern emerged in the messages from constituents, both licensees of the board and members of the public. There were those who urged the board to support the use of early therapeutics and those who urged the board to sanction providers who are believed to promote misinformation about early therapeutics. Many constituents urged the board to issue a clarifying statement on the board's stance concerning these issues. As a result, the board agreed to call this special meeting to discuss this matter.

##### **A. Introduction of Draft Statement & Discussion**

Chair Wein read the statement that he prepared for the board's consideration (See Attachment I). He reiterated that individual due process must take priority with respect to any stance the board may take on the sanctioning of practitioners. Chair Wein referenced an updated statement from Humayun J Chaudhry, D.O., CEO of the Federation of State Medical Boards, "Not all instances of potential misinformation are clear cut, doctors must be granted due process, and the Board must hear all aspects of a case." from a *Washington Post* article by Rachel Rouben dated December 6, 2021 entitled "Some doctors spreading coronavirus misinformation are being punished,"

Members of the board were invited to provide their individual thoughts on this important topic.

Dr. Parker stated that he thinks the statement is excellent because ethically and by law all matters that come before the board must be handled the same. It would not be a just process if the board changed every time there is a public outcry.

Ms. Bigelow-Hood stated that she supports and agrees with the statement and believes this is the direction the board should go.

Dr. Heilala stated that he believes the statement needs no modification. As written, the statement focuses the mission on what is under the purview of the State Medical Board and how it functions. It does not compromise the perception that each case must be adjudicated individually on its own merits.

Ms. Mielke stated that she read over 600 comments prior to the last board meeting and she appreciated hearing from Alaskans. However, the board does not base disciplinary or licensing decisions off of public or personal opinions. Board decisions are based on the law, so unless the law changes the board is

1 bound to follow it as written. The law is there for a reason and the investigative process is there for a  
2 reason. "Today, when there is a lot going on in the world, it is important to follow the law. We have  
3 been very careful and cautious in the past with discipline and other license actions and I am confident  
4 we will continue to follow that process and procedure and maintain that professional integrity. I  
5 support the statement as well."

6  
7 Dr. Freeman stated that she believes the statement is a good statement. "It is broad enough so that  
8 people can stop pointing fingers. Once again, this is a good statement."

9  
10 Dr. Olamikan stated, "I think the statement is good and I agree with it."

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12 **On a motion duly made by Dr. Parker and seconded by Ms. Bigelow-Hood, the Board**  
13 **approved by roll call vote to accept the draft statement as presented as the official statement**  
14 **of the Medical Board.**

15 Roll Call: Yeas, Ms. Bigelow Hood, Dr. Freeman, Dr. Heilala, Ms. Mielke, Dr. Olamikan, Dr. Parker and Dr.  
16 Wein  
17

## 18 5. Wrap up/Adjourn

19 Chair Wein thanked the Board for their participation in the meeting, citing the importance for the Board  
20 to clarify the Board's role in regulatory matters. Chair Wein reiterated that the Board's primary role is  
21 the fair and equitable treatment of all providers who come before the board.

22  
23 The Meeting was adjourned by unanimous consent at 5:36 p.m.

**Alaska State Medical Board – December 9, 2021**

Draft Statement:

The Alaska State Medical Board recognizes that there are many issues surrounding the care and treatment of Covid-19 patients. However, as the body that must review and adjudicate matters as they present to us, we recognize and maintain as a foundational ideal to remain impartial in our evaluations to the best of our ability. The process of investigation, adjudication, and discipline is not arbitrary; it is subject to facts and evidence presented through a thorough vetting process.

The Board reiterates to the public that its role pertains to the scope of practice of medicine as set forth in AS 08.064 and related regulations. While we welcome and encourage input on regulatory matters, any decision to sanction the license of a medical professional is based on state law, not board member preference or public opinion.

Disciplinary decisions of the Board are publicly available on our web site, and they may be appealed by the affected licensee through the process set forth in the Alaska Administrative Procedures Act.